

REC'D 27 JAN 2005

WIPO PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

(Rationalised Report according to the Notice of the President of the EPO published in the OJ11/2001)



Applicant's or agent's file reference XXXX	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/IT03/00729	International filing date (day/month/year) 11/11/2003	Priority date (day/month/year) 14/11/2002
International Patent Classification (IPC) or national classification and IPC A62D5/00		
Applicant CL.COM ADVANCED TECHNOLOGY et al.		

- This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
- This REPORT consists of a total of 4 sheets, including this cover sheet.
☒ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consists of a total of 2 sheets.

- This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☐ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 03/06/2004	Date of completion of this report 26.01.2005
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I. Basis of the report

1. This report has been drawn up on the basis of *(Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.)*

☐ the international application as originally filed

☒ the description, pages 1 - 18

, as originally filed

pages

, filed with the demand

pages

, filed with the letter of

☒ the claims, Nos.

, as originally filed

Nos.

, as amended under Article 19

Nos.

, filed with the demand

Nos.

1 - 11

, filed with the letter of

8.11.04

☒ the drawings, sheets / fig. 1/2, 2/2

, as originally filed

sheets / fig.

, filed with the demand

sheets / fig.

, filed with the letter of

2. The amendments have resulted in the cancellation of:

☐ the description, pages:

☐ the claims, Nos.

☐ the drawings, sheets / fig.

3. ☒ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated below (Rule 70.2 (c)).

4. Additional observations, if necessary:

The documents as filed do not provide any basis for using the expression "gown" in the claims. the only disclosure refers to "overall" as indicated for instance in original claim 3.

Consequently examination will be carried out as if the expression "overall" had been used instead of the term "gown", ie, as if claims 1 and 3 filed with letter dated 6.9.04 had been combined.

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citation and explanations supporting such statement

1. Statement

Novelty	Claims		YES
	Claims	1 - 11	NO
Inventive Step	Claims		YES
	Claims		NO
Industrial Applicability	Claims	1 - 11	YES
	Claims		NO

2. Citations and Explanations

The subject-matter of claims 1-11 is known from intermediate document (1) WO-A-03/041807 originating from the same inventors.

This document (1) was published on 22.05.03 before the date of filing of the present application on 11.11.03, and filed on 12.11.02 before the priority date of the present application on 14.11.02, by inventors who are the same as those mentioned in connection with the present application. This means that the priority application of 14.11.02 is not the first application disclosing for the first time any or all of the subject-matter of the present application, but that at least some of its subject-matter was disclosed in the above earlier application of 12.11.02 originating from the same inventors. Consequently the priority must be regarded as invalid (within the meaning of Rule 64.1(b)(ii) of the PCT), as far as said subject-matter was already disclosed in said document (1), in agreement with the provisions of the Paris Convention regulating the rights to priority.

As a result any subject-matter which was already disclosed in document (1) is regarded as being disclosed on 22.05.03 before effective date of filing of the present invention, and may be applied to assess novelty and inventive step.

It is clear from the disclosure in document (1) that the whole subject-matter of claim 1 is known from said document. The same objections apply to the additional features of claims 2 to 7.

The arguments of the Applicant regarding alleged differences in respect of the kind of clothing which is claimed are not convincing. Clearly overalls are disclosed in document (1) and the Applicant cannot argue that some overalls would be different from others, since overalls in the broadest definition are claimed in present claim 1.

The same objections apply to the various uses of claims 8 to 11 which are also disclosed in the same terms in document (1).